

IN THE SENATE

SENATE BILL NO. 1117

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1005, IDAHO CODE, TO REVISE THE FREQUENCY OF BOARD MEETINGS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-1005, Idaho Code, be, and the same is hereby amended to read as follows:

56-1005. BOARD – COMPOSITION – OFFICERS – COMPENSATION – POWERS – SUBPOENA – DEPOSITIONS – REVIEW – RULES. (1) The board of health and welfare shall consist of eleven (11) members, seven (7) members of which shall be appointed by the governor, with the advice and consent of the senate. The members appointed by the governor may be removed by the governor for cause. Each member of the board appointed by the governor shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector. Not more than four (4) members of the board appointed by the governor shall be from any one (1) political party. Of the members of the board appointed by the governor, four (4) members shall be chosen with due regard to their knowledge and interest in health and social services, two (2) members shall be chosen based on their experience in business or finance, and one (1) member shall be selected as a representative of the public at large. The voting members shall be appointed to assure appropriate geographic representation of the state of Idaho. The other four (4) members of the board, who shall be nonvoting members, shall be:

- (a) The chairperson of the senate health and welfare committee, or the chair's designee;
- (b) The chairperson of the house of representatives health and welfare committee, or the chair's designee;
- (c) The director of the department of health and welfare, who shall serve as the board's secretary; and
- (d) A representative of the office of the governor, as designated by the governor.

(2) The members of the board of health and welfare appointed by the governor, serving on the effective date of this act shall continue in office as members of the board of health and welfare. All members of the board of health and welfare appointed by the governor shall serve four (4) year terms.

(3) The voting members of the board annually shall elect a chairman and a vice chairman, who shall be voting members of the board. The board shall hold meetings no less than once every ~~two (2) months~~ quarter. Special meetings of the board may be called by the chairman of the board, by a majority of the voting members of the board or, on written request, by the director of the department of health and welfare. A majority of the voting members shall be necessary to constitute a quorum at any regular or special meeting and the action of the majority of members present shall be the action of the board. The members of the board shall be compensated as provided in section 59-509(p), Idaho Code.

1 (4) The board, in furtherance of its duties under law and under its rules, shall have the
2 power to administer oaths, certify to official acts, and to issue subpoenas for the attendance
3 of witnesses and the production of papers, books, accounts, documents and testimony. The
4 board may, if a witness refuses to attend or testify, or to produce any papers required by such
5 subpoenas, report to the district court in and for the county in which the proceeding is pending,
6 by petition, setting forth that due notice has been given of the time and place of attendance of
7 said witnesses, or the production of said papers, that the witness has been properly summoned,
8 and that the witness has failed and refused to attend or produce the papers required by this
9 subpoena before the board, or has refused to answer questions propounded to him in the course
10 of said proceedings, and ask an order of said court compelling the witness to attend and testify
11 and produce said papers before the board. The court, upon the petition of the board, shall enter
12 an order directing the witness to appear before the court at a time and place to be fixed by the
13 court in such order, the time to be not more than ten (10) days from the date of the order, and
14 then and there shall show cause why he has not attended and testified or produced said papers
15 before the board. A copy of said order shall be served upon said witness. If it shall appear to
16 the court that said subpoena was regularly issued by the board and regularly served, the court
17 shall thereupon order that said witness appear before the board at the time and place fixed in
18 said order, and testify or produce the required papers. Upon failure to obey said order, said
19 witness shall be dealt with for contempt of court.

20 (5) The director, his designee, or any party to the action may, in an investigation or
21 hearing before the board, cause the deposition or interrogatory of witnesses or parties residing
22 within or without the state, to be taken in the manner prescribed by law for like depositions and
23 interrogatories in civil actions in the district court of this state, and to that end may compel the
24 attendance of said witnesses and production of books, documents, papers and accounts.

25 (6) Any person aggrieved by an action or inaction of the department of health and
26 welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing
27 pursuant to chapter 52, title 67, Idaho Code, and the rules promulgated thereunder. In those
28 cases where the board has been granted the authority to hold such a hearing pursuant to a
29 provision of the Idaho Code, the hearing may be conducted by the board at a regular or special
30 meeting, or the board may designate hearing officers, who shall have the power and authority to
31 conduct hearings in the name of the board at any time and place. In any hearing, a member of
32 the board or hearing officer designated by it, shall have the power to administer oaths, examine
33 witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses
34 and the production of evidence relevant to any matter in the hearing.

35 (7) Any person adversely affected by a final determination of the board, may secure
36 judicial review by filing a petition for review as prescribed under the provisions of chapter
37 52, title 67, Idaho Code. The petition for review shall be served upon the chairman of the
38 board, the director of the department, and upon the attorney general of the state of Idaho. Such
39 service shall be jurisdictional and the provisions of this section shall be the exclusive procedure
40 for appeal.

41 (8) The board, by the affirmative vote of four (4) of its voting members, may adopt,
42 amend or repeal the rules, codes, and standards of the department, that are necessary and
43 feasible in order to carry out its duties and responsibilities and to enforce the laws of this
44 state.

45 The rules and orders so adopted and established shall have the force and effect of law and
46 may deal with any matters deemed necessary and feasible for protecting the health of the state.

1 (9) All rulemaking proceedings and hearings of the board shall be governed by the
2 provisions of chapter 52, title 67, Idaho Code.

3 (10) In addition to any other powers and duties granted to the board under law, the board
4 shall:

5 (a) Advise the director and the governor on department fiscal, policy and administrative
6 matters;

7 (b) Review and advise the director regarding the department's strategic plan and
8 performance measures;

9 (c) Develop goals and standards to measure department efficiency and effectiveness; and

10 (d) Review and advise the director and the governor on department initiatives.

11 (11) The board shall provide an annual report to the governor and to the legislature prior
12 to the start of each legislative session, addressing:

13 (a) The key department fiscal and policy issues;

14 (b) The department's managerial and overall performance; and

15 (c) The major proposed and ongoing departmental initiatives.